

CCRB CASE CLOSING FORM

Investigator assigned: Dinoso		Team: 7	CCRB#: 9601351	FADO: F, A
Date of incident: 2/27/96	Time of incident: 15:30	Location of incident: § 87(2)(b) Bronx	Pct. of occurrence: 046	Date SOL expires: 8/27/97
Date reported: 3/25/96	Time reported: 1522	To whom/where/how reported: Vega, CCRB, phone		
Complainant: § 87(2)(b)	Home address: § 87(2)(b)			
Victim(s): above				
Witness(es):				
Subject officer(s) (include rank): PO Stephen Solcany	Shield: 21447	Tax: 907369	Command: 046	
Witness officer(s) (include rank): PO Mario Serio PO Robert O'Brien PO William Hall	28789 21549 27466	907316 900543 904097	046 046 046	
Allegation(s) by letter: A. Force — § 87(2)(b) was struck B. Abuse — § 87(2)(b) was threatened with force and his pants pulled down			Recommendation(s): § 87(2)(g)	

Summary of Facts

On 2/27/97 at approximately 3:30 PM, the complainant, § 87(2)(b) was inside of § 87(2)(b). He states that he was looking for an unidentified friend's apartment on the fourth or fifth floor. While in a half way of the building, he was confronted by an officer or officers. The officer asked the complainant what he was doing in the building. At some point during the encounter the complainant was searched. A quantity of hypodermic needles were found on his person. The complainant was also handcuffed and arrested. It is undetermined whether he was searched prior to his arrest or after being handcuffed. The complainant was then transported to the 46th precinct where he was charged with § 87(2)(b) and given a D.A.T.. § 87(2)(b) then went to § 87(2)(b). He was diagnosed with a fractured left clavicle (collar bone).

Analysis

§ 87(2)(g)

§ 87(2)(g)

The complainant states in his interview that he was confronted by four or five officers. (Encl. 3A) He is unable to describe them except that some of the officers were in plainclothes while others were wearing uniforms. The officers questioned and searched the complainant. After they found needles on his person, § 87(2)(b) was thrown against the wall and handcuffed. He does not describe which officers searched him, handcuffed him, or searched him. § 87(2)(b) went on to state that when he was struck by either a fist or an object, the blow came from behind. Again, § 87(2)(b) does not know who hit him as he was not facing the officers. § 87(2)(b) also does not state where the blow landed. He does state that immediately after being hit, he lost consciousness and fell to the ground. It can be inferred from this account that § 87(2)(b) was struck in the head. Apparently, § 87(2)(b) regained consciousness shortly thereafter. He states that the officers then picked him up and threw him against a wall again.

§ 87(2)(g)

§ 87(2)(g)

The

physician notes from the complainant's medical records state, "(left) shoulder pain...hit by a person (fist or stick not sure)." (encl. 8C) Here, § 87(2)(b) implies that his shoulder injury was sustained as a result of the blow he mentions in his interview report. As stated above, § 87(2)(b) also implies that he was struck in his head. He states that he was struck (location unspecified) and that he immediately lost consciousness. The medical records, however, indicate no other injuries other than the broken left clavicle. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

was released

from police custody no earlier than 18:45 and arrived at § 87(2)(b)

no later than § 87(2)(b) (encl.

9, 8A) § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) only describe the race of the officers. The various police accounts are also of little help. The subject and arresting officer, PO Solcany, states that no one was present during the arrest of § 87(2)(b) other than himself. (encl. 3B) The other officers interviewed in the investigation all state that they did not aid nor assist in the arrest of § 87(2)(b). In fact, each witness officer states that members of the "Clean Halls" team generally work alone one inside the

designated building. (encl. 4B, 5B, 6B) § 87(2)(g)

§ 87(2)(g)

On the day of the alleged incident, each

of these witness officers had made arrests of their own.

§ 87(2)(g)

§ 87(2)(g)

PO Solcany states that no force was used and that none was
necessary because the complainant did not resist arrest at any time.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) 's states that he was looking for a friend's apartment when the officers stopped him.

This is what he told the officers when they asked him what he was doing in the building.

§ 87(2)(b)

§ 87(2)(b) is apparently unable to remember the name of his friend. Unable to state a legitimate purpose for his presence in the building, the officers searched the complainant prior to his arrest.

According to § 87(2)(b) the officers asked him if he had any needles or weapons on him after he was searched. § 87(2)(b) then informed the officers that he had needles to be distributed as part of the "New York Harm Reduction Program." After the needles were removed, § 87(2)(b)

§ 87(2)(b) was thrown against a wall and handcuffed.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

is a **"drug prone" building.** The "Clean Halls" program is obviously one measure employed by the police to combat this problem. § 87(2)(b) was in possession of hypo dermic needles at the time of arrest. § 87(2)(g) § 87(2)(b) a resident of Yonkers, has been arrested five times for CPCs since 1998 in the neighborhood surrounding § 87(2)(b) (encl. 14A-14G) His most recent arrest occurred on § 87(2)(b) at § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) also alleges that the various officers walked him out of the building with his pants down. PO Solcany states that he did lower § 87(2)(b)'s pants during the search but pulled them back up after finding the needles § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Finally, § 87(2)(b) states that the officers threatened him outside of the building and at the precinct house. Yet again, § 87(2)(b) is unable to describe the officers. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigator:

DJD

Date: 4/18/97

Supervisor:

Jfalk

Date: 4/18/97

Reviewed by:

Date: _____

Reviewed by:

Date: _____